

Remarks/Arguments

Claims 1-18 have been rejected on the ground of nonstatutory double patenting with copending application 10/512,506 (US2005/0154909) and copending application 10/512,674 (US 2005/0154895). The Applicant respectfully requests the Examiner to reconsider this rejection for the following reasons:

The instant invention relates to a method for interworking a wireless local area network (WLAN) with a second network through a broker, a system for interworking a wireless local area network (WLAN) with a second network through a broker, and a mobile device which receives from a second network a broker certificate which allows communication with a first network. Nowhere does either of the cited prior applications recite a broker in any of the claims, nor do either of the cited prior applications disclose a broker in its specification. Since a broker is an essential element of the instant invention, it is clear that a nonstatutory double patenting rejection is improper.

The Examiner has objected to the drawing because it does not show "the second network capable of communicating with a broker". The attention of the Examiner is respectfully called to Figure 2 of the drawing, in which broker 230 communicates with both WLAN 220 and cellular network 210. Claim 1 recites a wireless local area network (WLAN) and a second network. The second network is clearly cellular network 210.

The Examiner has requested the Applicant "to explicitly disclose the support for the limitation "the second network capable of communicating with the broker" ". The Applicant respectfully points out that this language is explicitly set forth in Claim 1 as filed, and shown in Figure 2.

The Examiner has rejected Claims 1, 5 and 10 under 35 USC 112. The Examiner has asserted that “the second network capable of communicating with a broker” has no support in the instant specification nor the diagrams”. As explained above, the recitation is found in Claim 1 as originally filed, and shown in Figure 2 of the drawing.

The Examiner has rejected Claims 16-18 under 35 USC 112, as based on a disclosure which is not enabling. The Examiner has opined that “authenticating the broker to second network certificate”, “authenticating the second network to user certificate” and “encrypting the session key” are critical or essential to the practice of the invention. The Applicant can not agree.

The Examiner cites *In re Mayhew*. Mayhew stands for the principle that omission from a claim of a step in a method, which step is considered by a specification as essential, causes the claim to be based on a lack of enabling disclosure. This does not apply to the instant application. In the instant application, there is no indication that authenticating a broker to a second network certificate, authenticating a second network to a user certificate, and encrypting the session key, are critical or essential to the invention. Rather these features are advantageous in the practice of the invention. It is therefore clear that Claims 16-18 are patentable under 35 USC 112.

The Applicant notes with appreciation the Examiner’s indication of allowable subject matter in Claims 14 and 15. The Applicant submits that Claims 1-13 and 16-18 are allowable as well. A notice to that effect is respectfully solicited

The Applicant believes that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to Applicant's Deposit Account No. 07-0832.

Respectfully submitted,
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